

AMENDMENT TO H.R. 4444, AS REPORTED
OFFERED BY MR. ARCHER

Strike all after the enacting clause and insert the
following:

1 **DIVISION A—NORMAL TRADE**
2 **RELATIONS FOR THE PEO-**
3 **PLE’S REPUBLIC OF CHINA**
4 **TITLE I—NORMAL TRADE**
5 **RELATIONS**

6 **SEC. 101. TERMINATION OF APPLICATION OF CHAPTER 1**
7 **OF TITLE IV OF THE TRADE ACT OF 1974 TO**
8 **THE PEOPLE’S REPUBLIC OF CHINA.**

9 (a) PRESIDENTIAL DETERMINATIONS AND EXTEN-
10 SION OF NONDISCRIMINATORY TREATMENT.—Notwith-
11 standing any provision of chapter 1 of title IV of the
12 Trade Act of 1974 (19 U.S.C. 2431 et seq.), as designated
13 by section 103(a)(2) of this Act, the President may—

14 (1) determine that such chapter should no
15 longer apply to the People’s Republic of China; and

16 (2) after making a determination under para-
17 graph (1) with respect to the People’s Republic of
18 China, proclaim the extension of nondiscriminatory
19 treatment (normal trade relations treatment) to the
20 products of that country.

1 (b) ACCESSION OF THE PEOPLE'S REPUBLIC OF
2 CHINA TO THE WORLD TRADE ORGANIZATION.—Prior to
3 making the determination provided for in subsection
4 (a)(1) and pursuant to the provisions of section 122 of
5 the Uruguay Round Agreements Act (19 U.S.C. 3532),
6 the President shall transmit a report to Congress certi-
7 fying that the terms and conditions for the accession of
8 the People's Republic of China to the World Trade Orga-
9 nization are at least equivalent to those agreed between
10 the United States and the People's Republic of China on
11 November 15, 1999.

12 **SEC. 102. EFFECTIVE DATE.**

13 (a) EFFECTIVE DATE OF NONDISCRIMINATORY
14 TREATMENT.—The extension of nondiscriminatory treat-
15 ment pursuant to section 101(a) shall be effective no ear-
16 lier than the effective date of the accession of the People's
17 Republic of China to the World Trade Organization.

18 (b) TERMINATION OF APPLICABILITY OF TITLE
19 IV.—On and after the effective date under subsection (a)
20 of the extension of nondiscriminatory treatment to the
21 products of the People's Republic of China, chapter 1 of
22 title IV of the Trade Act of 1974 (as designated by section
23 103(a)(2) of this Act) shall cease to apply to that country.

1 **SEC. 103. RELIEF FROM MARKET DISRUPTION.**

2 (a) IN GENERAL.—Title IV of the Trade Act of 1974
3 (19 U.S.C. 2431 et seq.) is amended—

4 (1) in the title heading, by striking “**CUR-**
5 **RENTLY**”;

6 (2) by inserting before section 401 the fol-
7 lowing:

8 **“CHAPTER 1—TRADE RELATIONS WITH CERTAIN**
9 **COUNTRIES”**; and

10 (3) by adding at the end the following new
11 chapter:

12 **“CHAPTER 2—RELIEF FROM MARKET DISRUP-**
13 **TION TO INDUSTRIES AND DIVERSION OF**
14 **TRADE TO THE UNITED STATES MARKET**

15 **“SEC. 421. ACTION TO ADDRESS MARKET DISRUPTION.**

16 “(a) PRESIDENTIAL ACTION.—If a product of the
17 People’s Republic of China is being imported into the
18 United States in such increased quantities or under such
19 conditions as to cause or threaten to cause market disrup-
20 tion to the domestic producers of a like or directly com-
21 petitive product, the President shall, in accordance with
22 the provisions of this section, proclaim increased duties or
23 other import restrictions with respect to such product, to
24 the extent and for such period as the President considers
25 necessary to prevent or remedy the market disruption.

1 “(b) INITIATION OF AN INVESTIGATION.—(1) Upon
2 the filing of a petition by an entity described in section
3 202(a) of the Trade Act of 1974 (19 U.S.C. 2252(a)),
4 upon the request of the President or the United States
5 Trade Representative (in this subtitle referred to as the
6 ‘Trade Representative’), upon resolution of either the
7 Committee on Ways and Means of the House of Rep-
8 resentatives, or the Committee on Finance of the Senate
9 (in this subtitle referred to as the ‘Committees’) or on its
10 own motion, the United States International Trade Com-
11 mission (in this subtitle referred to as the ‘Commission’)
12 shall promptly make an investigation to determine whether
13 products of the People’s Republic of China are being im-
14 ported into the United States in such increased quantities
15 or under such conditions as to cause or threaten to cause
16 market disruption to the domestic producers of like or di-
17 rectly competitive products.

18 “(2) The limitations on investigations set forth in
19 section 202(h)(1) of the Trade Act of 1974 (19 U.S.C.
20 2252(h)(1)) shall apply to investigations conducted under
21 this section.

22 “(3) The provisions of subsections (a)(8) and (i) of
23 section 202 of the Trade Act of 1974 (19 U.S.C.
24 2252(a)(8) and (i)), relating to treatment of confidential

1 business information, shall apply to investigations con-
2 ducted under this section.

3 “(4) Whenever a petition is filed, or a request or reso-
4 lution is received, under this subsection, the Commission
5 shall transmit a copy thereof to the President, the Trade
6 Representative, the Committee on Ways and Means of the
7 House of Representatives, and the Committee of Finance
8 of the Senate, except that in the case of confidential busi-
9 ness information, the copy may include only nonconfiden-
10 tial summaries of such information.

11 “(5) The Commission shall publish notice of the com-
12 mencement of any proceeding under this subsection in the
13 Federal Register and shall, within a reasonable time there-
14 after, hold public hearings at which the Commission shall
15 afford interested parties an opportunity to be present, to
16 present evidence, to respond to the presentations of other
17 parties, and otherwise to be heard.

18 “(c) MARKET DISRUPTION.—(1) For purposes of this
19 section, market disruption exists whenever imports of an
20 article like or directly competitive with an article produced
21 by a domestic industry are increasing rapidly, either abso-
22 lutely or relatively, so as to be a significant cause of mate-
23 rial injury, or threat of material injury, to the domestic
24 industry.

1 “(2) For purposes of paragraph (1), the term ‘signifi-
2 cant cause’ refers to a cause which contributes signifi-
3 cantly to the material injury of the domestic industry, but
4 need not be equal to or greater than any other cause.

5 “(d) FACTORS IN DETERMINATION.—In determining
6 whether market disruption exists, the Commission shall
7 consider objective factors, including—

8 “(1) the volume of imports of the product which
9 is the subject of the investigation;

10 “(2) the effect of imports of such product on
11 prices in the United States for like or directly com-
12 petitive articles; and

13 “(3) the effect of imports of such product on
14 the domestic industry producing like or directly com-
15 petitive articles.

16 The presence or absence of any factor under paragraph
17 (1), (2), or (3) is not necessarily dispositive of whether
18 market disruption exists.

19 “(e) TIME FOR COMMISSION DETERMINATIONS.—
20 The Commission shall make and transmit to the President
21 and the Trade Representative its determination under
22 subsection (b)(1) at the earliest practicable time, but in
23 no case later than 60 days (or 90 days in the case of a
24 petition requesting relief under subsection (i)) after the
25 date on which the petition is filed, the request or resolu-

tion is received, or the motion is adopted, under subsection (b). If the Commissioners voting are equally divided with respect to its determination, then the determination agreed upon by either group of Commissioners may be considered by the President and the Trade Representative as the determination of the Commission.

“(f) RECOMMENDATIONS OF COMMISSION ON PROPOSED REMEDIES.—If the Commission makes an affirmative determination under subsection (b), or a determination which the President or the Trade Representative may consider as affirmative under subsection (e), the Commission shall propose the amount of increase in, or imposition of, any duty or other import restrictions necessary to prevent or remedy the market disruption. Only those members of the Commission who agreed to the affirmative determination under subsection (b) are eligible to vote on the proposed action to prevent or remedy market disruption. Members of the Commission who did not agree to the affirmative determination may submit, in the report required under subsection (g), separate views regarding what action, if any, should be taken to prevent or remedy market disruption.

“(g) REPORT BY COMMISSION.—(1) Not later than 20 days after a determination under subsection (b) is

1 made, the Commission shall submit a report to the Presi-
2 dent and the Trade Representative.

3 “(2) The Commission shall include in the report re-
4 quired under paragraph (1) the following:

5 “(A) The determination made under subsection
6 (b) and an explanation of the basis for the deter-
7 mination.

8 “(B) If the determination under subsection (b)
9 is affirmative, or may be considered by the President
10 or the Trade Representative as affirmative under
11 subsection (e), the recommendations of the Commis-
12 sion on proposed remedies under subsection (f) and
13 an explanation of the basis for each recommenda-
14 tion.

15 “(C) Any dissenting or separate views by mem-
16 bers of the Commission regarding the determination
17 and any recommendation referred to in subpara-
18 graphs (A) and (B).

19 “(D) A description of—

20 “(i) the short- and long-term effects that
21 implementation of the action recommended
22 under subsection (f) is likely to have on the pe-
23 titioning domestic industry, on other domestic
24 industries, and on consumers; and

1 “(ii) the short- and long-term effects of not
2 taking the recommended action on the peti-
3 tioning domestic industry, its workers, and the
4 communities where production facilities of such
5 industry are located, and on other domestic in-
6 dustries.

7 “(3) The Commission, after submitting a report to
8 the President under paragraph (1), shall promptly make
9 it available to the public (but shall not include confidential
10 business information) and cause a summary thereof to be
11 published in the Federal Register.

12 “(h) OPPORTUNITY TO PRESENT VIEWS AND EVI-
13 DENCE ON PROPOSED MEASURE AND RECOMMENDATION
14 TO THE PRESIDENT.—(1) Within 20 days after receipt of
15 the Commission’s report under subsection (g) (or 15 days
16 in the case of an affirmative preliminary determination
17 under subsection (i)(1)(B)), the Trade Representative
18 shall publish in the Federal Register notice of any meas-
19 ure proposed by the Trade Representative to be taken pur-
20 suant to subsection (a) and of the opportunity, including
21 a public hearing, if requested, for importers, exporters,
22 and other interested parties to submit their views and evi-
23 dence on the appropriateness of the proposed measure and
24 whether it would be in the public interest.

1 “(2) Within 55 days after receipt of the report under
2 subsection (g) (or 35 days in the case of an affirmative
3 preliminary determination under subsection (i)(1)(B)), the
4 Trade Representative, taking into account the views and
5 evidence received under paragraph (1) on the measure
6 proposed by the Trade Representative, shall make a rec-
7 ommendation to the President concerning what action, if
8 any, to take to prevent or remedy the market disruption.

9 “(i) CRITICAL CIRCUMSTANCES.—(1) When a peti-
10 tion filed under subsection (b) alleges that critical cir-
11 cumstances exist and requests that provisional relief be
12 provided under this subsection with respect to the product
13 identified in the petition, the Commission shall, not later
14 than 45 days after the petition containing the request is
15 filed—

16 “(A) determine whether delay in taking action
17 under this section would cause damage to the rel-
18 evant domestic industry which would be difficult to
19 repair; and

20 “(B) if the determination under subparagraph
21 (A) is affirmative, make a preliminary determination
22 of whether imports of the product which is the sub-
23 ject of the investigation have caused or threatened to
24 cause market disruption.

1 If the Commissioners voting are equally divided with re-
2 spect to either of its determinations, then the determina-
3 tion agreed upon by either group of Commissioners may
4 be considered by the President and the Trade Representa-
5 tive as the determination of the Commission.

6 “(2) On the date on which the Commission completes
7 its determinations under paragraph (1), the Commission
8 shall transmit a report on the determinations to the Presi-
9 dent and the Trade Representative, including the reasons
10 for its determinations. If the determinations under para-
11 graph (1) are affirmative, or may be considered by the
12 President or the Trade Representative as affirmative
13 under paragraph (1), the Commission shall include in its
14 report its recommendations on proposed provisional meas-
15 ures to be taken to prevent or remedy the market disrup-
16 tion. Only those members of the Commission who agreed
17 to the affirmative determinations under paragraph (1) are
18 eligible to vote on the proposed provisional measures to
19 prevent or remedy market disruption. Members of the
20 Commission who did not agree to the affirmative deter-
21 minations may submit, in the report, dissenting or sepa-
22 rate views regarding the determination and any rec-
23 ommendation of provisional measures referred to in this
24 paragraph.

1 “(3) If the determinations under paragraph (1) are
2 affirmative, or may be considered by the President or the
3 Trade Representative as affirmative under paragraph (1),
4 the Trade Representative shall, within 10 days after re-
5 ceipt of the Commission’s report, determine the amount
6 or extent of provisional relief that is necessary to prevent
7 or remedy the market disruption and shall provide a rec-
8 ommendation to the President on what provisional meas-
9 ures, if any, to take.

10 “(4)(A) The President shall determine whether to
11 provide provisional relief and proclaim such relief, if any,
12 within 10 days after receipt of the recommendation from
13 the Trade Representative.

14 “(B) Such relief may take the form of—

15 “(i) the imposition of or increase in any duty;

16 “(ii) any modification, or imposition of any
17 quantitative restriction on the importation of an ar-
18 ticle into the United States; or

19 “(iii) any combination of actions under clauses
20 (i) and (ii).

21 “(C) Any provisional action proclaimed by the Presi-
22 dent pursuant to a determination of critical circumstances
23 shall remain in effect not more than 200 days.

24 “(D) Provisional relief shall cease to apply upon the
25 effective date of relief proclaimed under subsection (a),

1 upon a decision by the President not to provide such relief,
2 or upon a negative determination by the Commission
3 under subsection (b).

4 “(j) AGREEMENTS WITH THE PEOPLE’S REPUBLIC
5 OF CHINA.—(1) The Trade Representative is authorized
6 to enter into agreements for the People’s Republic of
7 China to take such action as necessary to prevent or rem-
8 edy market disruption, and should seek to conclude such
9 agreements before the expiration of the 60-day consulta-
10 tion period provided for under the product-specific safe-
11 guard provision of the Protocol of Accession of the Peo-
12 ple’s Republic of China to the WTO, which shall com-
13 mence not later than 5 days after the Trade Representa-
14 tive receives an affirmative determination provided for in
15 subsection (e) or a determination which the Trade Rep-
16 resentative considers to be an affirmative determination
17 pursuant to subsection (e).

18 “(2) If no agreement is reached with the People’s Re-
19 public of China pursuant to consultations under para-
20 graph (1), or if the President determines that an agree-
21 ment reached pursuant to such consultations is not pre-
22 venting or remedying the market disruption at issue, the
23 President shall provide import relief in accordance with
24 subsection (a).

1 “(k) STANDARD FOR PRESIDENTIAL ACTION.—(1)
2 Within 15 days after receipt of a recommendation from
3 the Trade Representative under subsection (h) on the ap-
4 propriate action, if any, to take to prevent or remedy the
5 market disruption, the President shall provide import re-
6 lief for such industry pursuant to subsection (a), unless
7 the President determines that provision of such relief is
8 not in the national economic interest of the United States
9 or, in extraordinary cases, that the taking of action pursu-
10 ant to subsection (a) would cause serious harm to the na-
11 tional security of the United States.

12 “(2) The President may determine under paragraph
13 (1) that providing import relief is not in the national eco-
14 nomic interest of the United States only if the President
15 finds that the taking of such action would have an adverse
16 impact on the United States economy clearly greater than
17 the benefits of such action.

18 “(l) PUBLICATION OF DECISION AND REPORTS.—(1)
19 The President’s decision, including the reasons therefor
20 and the scope and duration of any action taken, shall be
21 published in the Federal Register.

22 “(2) The Commission shall promptly make public any
23 report transmitted under this section, but shall not make
24 public any information which the Commission determines

1 to be confidential, and shall publish notice of such report
2 in the Federal Register.

3 “(m) EFFECTIVE DATE OF RELIEF.—Import relief
4 under this section shall take effect not later than 15 days
5 after the President’s determination to provide such relief.

6 “(n) MODIFICATIONS OF RELIEF.—(1) At any time
7 after the end of the 6-month period beginning on the date
8 on which relief under subsection (m) first takes effect, the
9 President may request that the Commission provide a re-
10 port on the probable effect of the modification, reduction,
11 or termination of the relief provided on the relevant indus-
12 try. The Commission shall transmit such report to the
13 President within 60 days of the request.

14 “(2) The President may, after receiving a report from
15 the Commission under paragraph (1), take such action to
16 modify, reduce, or terminate relief that the President de-
17 termines is necessary to continue to prevent or remedy the
18 market disruption at issue.

19 “(3) Upon the granting of relief under subsection (k),
20 the Commission shall collect such data as is necessary to
21 allow it to respond rapidly to a request by the President
22 under paragraph (1).

23 “(o) EXTENSION OF ACTION.—(1) Upon request of
24 the President, or upon petition on behalf of the industry
25 concerned filed with the Commission not earlier than the

1 date which is 9 months, and not later than the date which
2 is 6 months, before the date any relief provided under sub-
3 section (k) is to terminate, the Commission shall inves-
4 tigate to determine whether action under this section con-
5 tinues to be necessary to prevent or remedy market dis-
6 ruption.

7 “(2) The Commission shall publish notice of the com-
8 mencement of any proceeding under this subsection in the
9 Federal Register and shall, within a reasonable time there-
10 after, hold a public hearing at which the Commission shall
11 afford interested parties and consumers an opportunity to
12 be present, to present evidence, and to respond to the
13 presentations of other parties and consumers, and other-
14 wise to be heard.

15 “(3) The Commission shall transmit to the President
16 a report on its investigation and determination under this
17 subsection not later than 60 days before the action under
18 subsection (m) is to terminate.

19 “(4) The President, after receiving an affirmative de-
20 termination from the Commission under paragraph (3),
21 may extend the effective period of any action under this
22 section if the President determines that the action con-
23 tinues to be necessary to prevent or remedy the market
24 disruption.

1 **“SEC. 422. ACTION IN RESPONSE TO TRADE DIVERSION.**

2 “(a) MONITORING BY CUSTOMS SERVICE.—In any
3 case in which a WTO member other than the United
4 States requests consultations with the People’s Republic
5 of China under the product-specific safeguard provision of
6 the Protocol of Accession of the People’s Republic of
7 China to the World Trade Organization, the Trade Rep-
8 resentative shall inform the United States Customs Serv-
9 ice, which shall monitor imports into the United States
10 of those products of Chinese origin that are the subject
11 of the consultation request. Data from such monitoring
12 shall promptly be made available to the Commission upon
13 request by the Commission.

14 “(b) INITIATION OF INVESTIGATION.—(1) Upon the
15 filing of a petition by an entity described in section 202(a)
16 of the Trade Act of 1974, upon the request of the Presi-
17 dent or the Trade Representative, upon resolution of ei-
18 ther of the Committees, or on its own motion, the Commis-
19 sion shall promptly make an investigation to determine
20 whether an action described in subsection (c) has caused,
21 or threatens to cause, a significant diversion of trade into
22 the domestic market of the United States.

23 “(2) The Commission shall publish notice of the com-
24 mencement of any proceeding under this subsection in the
25 Federal Register and shall, within a reasonable time there-
26 after, hold public hearings at which the Commission shall

1 afford interested parties an opportunity to be present, to
2 present evidence, to respond to the presentations of other
3 parties, and otherwise to be heard.

4 “(3) The provisions of subsections (a)(8) and (i) of
5 section 202 of the Trade Act of 1974 (19 U.S.C.
6 2252(a)(8) and (i)), relating to treatment of confidential
7 business information, shall apply to investigations con-
8 ducted under this section.

9 “(c) ACTIONS DESCRIBED.—An action is described in
10 this subsection if it is an action—

11 “(1) by the People’s Republic of China to pre-
12 vent or remedy market disruption in a WTO mem-
13 ber other than the United States;

14 “(2) by a WTO member other than the United
15 States to withdraw concessions under the WTO
16 Agreement or otherwise to limit imports to prevent
17 or remedy market disruption;

18 “(3) by a WTO member other than the United
19 States to apply a provisional safeguard within the
20 meaning of the product-specific safeguard provision
21 of the Protocol of Accession of the People’s Republic
22 of China to the WTO; or

23 “(4) any combination of actions described in
24 paragraphs (1) through (3).

1 “(d) BASIS FOR DETERMINATION OF SIGNIFICANT
2 DIVERSION.—(1) In determining whether significant di-
3 version or the threat thereof exists for purposes of this
4 section, the Commission shall take into account, to the ex-
5 tent such evidence is reasonably available—

6 “(A) the monitoring conducted under sub-
7 section (a);

8 “(B) the actual or imminent increase in United
9 States market share held by such imports from the
10 People’s Republic of China;

11 “(C) the actual or imminent increase in volume
12 of such imports into the United States;

13 “(D) the nature and extent of the action taken
14 or proposed by the WTO member concerned;

15 “(E) the extent of exports from the People’s
16 Republic of China to that WTO member and to the
17 United States;

18 “(F) the actual or imminent changes in exports
19 to that WTO member due to the action taken or
20 proposed;

21 “(G) the actual or imminent diversion of ex-
22 ports from the People’s Republic of China to coun-
23 tries other than the United States;

1 “(H) cyclical or seasonal trends in import vol-
2 umes into the United States of the products at
3 issue; and

4 “(I) conditions of demand and supply in the
5 United States market for the products at issue.

6 The presence or absence of any factor under any of sub-
7 paragraphs (A) through (I) is not necessarily dispositive
8 of whether a significant diversion of trade or the threat
9 thereof exists.

10 “(2) For purposes of making its determination, the
11 Commission shall examine changes in imports into the
12 United States from the People’s Republic of China since
13 the time that the WTO member commenced the investiga-
14 tion that led to a request for consultations described in
15 subsection (a).

16 “(3) If more than 1 action by a WTO member or
17 WTO members against a particular product is identified
18 in the petition, request, or resolution under subsection (b)
19 or during the investigation, the Commission may cumula-
20 tively assess the actual or likely effects of such actions
21 jointly in determining whether a significant diversion of
22 trade or threat thereof exists.

23 “(e) COMMISSION DETERMINATION; AGREEMENT
24 AUTHORITY.—(1) The Commission shall make and trans-
25 mit to the President and the Trade Representative its de-

1 termination under subsection (b) at the earliest prac-
2 ticable time, but in no case later than 45 days after the
3 date on which the petition is filed, the request or resolu-
4 tion is received, or the motion is adopted, under subsection
5 (b). If the Commissioners voting are equally divided with
6 respect to its determination, then the determination
7 agreed upon by either group of Commissioners may be
8 considered by the President and the Trade Representative
9 as the determination of the Commission.

10 “(2) The Trade Representative is authorized to enter
11 into agreements with the People’s Republic of China or
12 the other WTO members concerned to take such action
13 as necessary to prevent or remedy significant trade diver-
14 sion or threat thereof into the domestic market of the
15 United States, and should seek to conclude such agree-
16 ments before the expiration of the 60-day consultation pe-
17 riod provided for under the product-specific safeguard pro-
18 vision of the Protocol of Accession of the People’s Republic
19 of China to the WTO, which shall commence not later
20 than 5 days after the Trade Representative receives an
21 affirmative determination provided for in paragraph (1)
22 or a determination which the Trade Representative con-
23 siders to be an affirmative determination pursuant to
24 paragraph (1).

25 “(3) REPORT BY COMMISSION.—

1 “(A) Not later than 10 days after a determina-
2 tion under subsection (b), is made, the Commission
3 shall transmit a report to the President and the
4 Trade Representative.

5 “(B) The Commission shall include in the re-
6 port required under subparagraph (A) the following:

7 “(i) The determination made under sub-
8 section (b) and an explanation of the basis for
9 the determination.

10 “(ii) If the determination under subsection
11 (b) is affirmative, or may be considered by the
12 President or the Trade Representative as af-
13 firmative under subsection (e)(1), the rec-
14 ommendations of the Commission on increased
15 tariffs or other import restrictions to be im-
16 posed to prevent or remedy the trade diversion
17 or threat thereof, and explanations of the bases
18 for such recommendations. Only those members
19 of the Commission who agreed to the affirma-
20 tive determination under subsection (b) are eli-
21 gible to vote on the proposed action to prevent
22 or remedy the trade diversion or threat thereof.

23 “(iii) Any dissenting or separate views by
24 members of the Commission regarding the de-

1 termination and any recommendation referred
2 to in clauses (i) and (ii).

3 “(iv) A description of—

4 “(I) the short- and long-term effects
5 that implementation of the action rec-
6 ommended under clause (ii) is likely to
7 have on the petitioning domestic industry,
8 on other domestic industries, and on con-
9 sumers; and

10 “(II) the short- and long-term effects
11 of not taking the recommended action on
12 the petitioning domestic industry, its work-
13 ers and the communities where production
14 facilities of such industry are located, and
15 on other domestic industries.

16 “(C) The Commission, after submitting a re-
17 port to the President under subparagraph (A), shall
18 promptly make it available to the public (with the
19 exception of confidential business information) and
20 cause a summary thereof to be published in the Fed-
21 eral Register.

22 “(f) PUBLIC COMMENT.—If consultations fail to lead
23 to an agreement with the People’s Republic of China or
24 the WTO member concerned within 60 days, the Trade
25 Representative shall promptly publish notice in the Fed-

1 eral Register of any proposed action to prevent or remedy
2 the trade diversion, and provide an opportunity for inter-
3 ested persons to present views and evidence on whether
4 the proposed action is in the public interest.

5 “(g) RECOMMENDATION TO THE PRESIDENT.—With-
6 in 20 days after the end of consultations pursuant to sub-
7 section (e), the Trade Representative shall make a rec-
8 ommendation to the President on what action, if any,
9 should be taken to prevent or remedy the trade diversion
10 or threat thereof.

11 “(h) PRESIDENTIAL ACTION.—Within 20 days after
12 receipt of the recommendation from the Trade Represent-
13 ative, the President shall determine what action to take
14 to prevent or remedy the trade diversion or threat thereof.

15 “(i) DURATION OF ACTION.—Action taken under
16 subsection (h) shall be terminated not later than 30 days
17 after expiration of the action taken by the WTO member
18 or members involved against imports from the People’s
19 Republic of China.

20 “(j) REVIEW OF CIRCUMSTANCES.—(1) The Commis-
21 sion shall review the continued need for action taken under
22 subsection (h) if the WTO member or members involved
23 notify the Committee on Safeguards of the WTO of any
24 modification in the action taken by them against the Peo-
25 ple’s Republic of China pursuant to consultation referred

1 to in subsection (a). The Commission shall, not later than
2 60 days after such notification, determine whether a sig-
3 nificant diversion of trade continues to exist and report
4 its determination to the President. The President shall de-
5 termine, within 15 days after receiving the Commission's
6 report, whether to modify, withdraw, or keep in place the
7 action taken under subsection (h).

8 **“SEC. 423. REGULATIONS; TERMINATION OF PROVISION.**

9 “(a) TO CARRY OUT RESTRICTIONS AND MONI-
10 TORING.—The President shall by regulation provide for
11 the efficient and fair administration of any restriction pro-
12 claimed pursuant to the subtitle and to provide for effec-
13 tive monitoring of imports under section 422(a).

14 “(b) TO CARRY OUT AGREEMENTS.—To carry out
15 an agreement concluded pursuant to consultations under
16 section 421(j) or 422(e)(2), the President is authorized
17 to prescribe regulations governing the entry or withdrawal
18 from warehouse of articles covered by such agreement.

19 “(c) TERMINATION DATE.—This subtitle and any
20 regulations issued under this subtitle shall cease to be ef-
21 fective 12 years after the date of entry into force of the
22 Protocol of Accession of the People's Republic of China
23 to the WTO.”.

24 (b) CONFORMING AMENDMENT.—The table on con-
25 tents of the Trade Act of 1974 is amended—

1 (1) in the item relating to title IV, by striking
2 “CURRENTLY”;

3 (2) by inserting before the item relating to sec-
4 tion 401 the following:

“CHAPTER 1—TRADE RELATIONS WITH CERTAIN COUNTRIES”; and

5 (3) by adding after the item relating to section
6 409 the following:

“CHAPTER 2—RELIEF FROM MARKET DISRUPTION TO INDUSTRIES AND
DIVERSION OF TRADE TO THE UNITED STATES MARKET

“Sec. 421. Action to address market disruption.

“Sec. 422. Action in response to trade diversion.

“Sec. 423. Regulations; termination of provision.”.

7 **SEC. 104. AMENDMENT TO SECTION 123 OF THE TRADE ACT**
8 **OF 1974—COMPENSATION AUTHORITY.**

9 Section 123(a)(1) of the Trade Act of 1974 (19
10 U.S.C. 2133(a)(1)) is amended by inserting after “title
11 III” the following; “, or under chapter 2 of title IV of
12 the Trade Act of 1974”.

13 **DIVISION B—UNITED STATES—**
14 **CHINA RELATIONS**
15 **TITLE II—GENERAL PROVISIONS**

16 **SEC. 201. SHORT TITLE; TABLE OF CONTENTS.**

17 (a) SHORT TITLE.—This division may be cited as the
18 “U.S.-China Relations Act of 2000”.

19 (b) TABLE OF CONTENTS.—The table of contents of
20 this division is as follows:

TITLE II—GENERAL PROVISIONS

27

- Sec. 201. Short title; table of contents.
- Sec. 202. Findings.
- Sec. 203. Policy.
- Sec. 204. Definitions.

TITLE III—CONGRESSIONAL-EXECUTIVE COMMISSION ON THE
PEOPLE'S REPUBLIC OF CHINA

- Sec. 301. Establishment of Congressional-Executive Commission on the People's Republic of China.
- Sec. 302. Functions of the Commission.
- Sec. 303. Membership of the Commission.
- Sec. 304. Votes of the Commission.
- Sec. 305. Expenditure of appropriations.
- Sec. 306. Testimony of witnesses, production of evidence; issuance of subpoenas; administration of oaths.
- Sec. 307. Appropriations for the Commission.
- Sec. 308. Staff of the Commission.
- Sec. 309. Printing and binding costs.

TITLE IV—MONITORING AND ENFORCEMENT OF THE PEOPLE'S
REPUBLIC OF CHINA'S WTO COMMITMENTS

Subtitle A—Review of Membership of the People's Republic of China in the
WTO

- Sec. 401. Review within the WTO.

Subtitle B—Authorization To Promote Compliance With Trade Agreements

- Sec. 411. Findings.
- Sec. 412. Purpose.
- Sec. 413. Authorization of appropriations.

Subtitle C—Report on Compliance by the People's Republic of China With
WTO Obligations

- Sec. 421. Report on compliance.

TITLE V—TRADE AND RULE OF LAW ISSUES IN THE PEOPLE'S
REPUBLIC OF CHINA

Subtitle A—Task Force on Prohibition of Importation of Products of Forced
or Prison Labor From the People's Republic of China

- Sec. 501. Establishment of Task Force.
- Sec. 502. Functions of Task Force.
- Sec. 503. Composition of Task Force.
- Sec. 504. Authorization of appropriations.
- Sec. 505. Reports to Congress.

Subtitle B—Assistance To Develop Commercial and Labor Rule of Law

- Sec. 511. Establishment of technical assistance and rule of law programs.
- Sec. 512. Administrative authorities.
- Sec. 513. Prohibition relating to human rights abuses.
- Sec. 514. Authorization of appropriations.

TITLE VI—ACCESSION OF TAIWAN TO THE WTO

Sec. 601. Accession of Taiwan to the WTO.

TITLE VII—RELATED ISSUES

Sec. 701. Authorizations of appropriations for broadcasting capital improvements and international broadcasting operations.

1 **SEC. 202. FINDINGS.**

2 The Congress finds the following:

3 (1) In 1980, the United States opened trade re-
4 lations with the People's Republic of China by enter-
5 ing into a bilateral trade agreement, which was ap-
6 proved by joint resolution enacted pursuant to sec-
7 tion 405(c) of the Trade Act of 1974.

8 (2) Since 1980, the President has consistently
9 extended nondiscriminatory treatment to products of
10 the People's Republic of China, pursuant to his au-
11 thority under section 404 of the Trade Act of 1974.

12 (3) Since 1980, the United States has entered
13 into several additional trade-related agreements with
14 the People's Republic of China, including a memo-
15 randum of understanding on market access in 1992,
16 2 agreements on intellectual property rights protec-
17 tion in 1992 and 1995, and an agreement on agri-
18 cultural cooperation in 1999.

19 (4) Trade in goods between the People's Repub-
20 lic of China and the United States totaled almost
21 \$95,000,000,000 in 1999, compared with approxi-

1 mately \$18,000,000,000 in 1989, representing
2 growth of approximately 428 percent over 10 years.

3 (5) The United States merchandise trade deficit
4 with the People's Republic of China has grown from
5 approximately \$6,000,000,000 in 1989 to over
6 \$68,000,000,000 in 1999, a growth of over 1,000
7 percent.

8 (6) The People's Republic of China currently
9 restricts imports through relatively high tariffs and
10 nontariff barriers, including import licensing, tech-
11 nology transfer, and local content requirements.

12 (7) United States businesses attempting to sell
13 goods to markets in the People's Republic of China
14 have complained of uneven application of tariffs,
15 customs procedures, and other laws, rules, and ad-
16 ministrative measures affecting their ability to sell
17 their products in the Chinese market.

18 (8) On November 15, 1999, the United States
19 and the People's Republic of China concluded a bi-
20 lateral agreement concerning terms of the People's
21 Republic of China's eventual accession to the World
22 Trade Organization.

23 (9) The commitments that the People's Repub-
24 lic of China made in its November 15, 1999, agree-
25 ment with the United States promise to eliminate or

1 greatly reduce the principal barriers to trade with
2 and investment in the People's Republic of China, if
3 those commitments are effectively complied with and
4 enforced.

5 (10) The record of the People's Republic of
6 China in implementing trade-related commitments
7 has been mixed. While the People's Republic of
8 China has generally met the requirements of the
9 1992 market access memorandum of understanding
10 and the 1992 and 1995 agreements on intellectual
11 property rights protection, other measures remain in
12 place or have been put into place which tend to di-
13 minish the benefit to United States businesses,
14 farmers, and workers from the People's Republic of
15 China's implementation of those earlier commit-
16 ments. Notably, administration of tariff-rate quotas
17 and other trade-related laws remains opaque, new
18 local content requirements have proliferated, restric-
19 tions on importation of animal and plant products
20 are not always supported by sound science, and li-
21 censing requirements for importation and distribu-
22 tion of goods remain common. Finally, the Govern-
23 ment of the People's Republic of China has failed to
24 cooperate with the United States Customs Service in
25 implementing a 1992 memorandum of under-

1 standing prohibiting trade in products made by pris-
2 on labor.

3 (11) The human rights record of the People's
4 Republic of China is a matter of very serious con-
5 cern to the Congress. The Congress notes that the
6 Department of State's 1999 Country Reports on
7 Human Rights Practices for the People's Republic
8 of China finds that "[t]he Government's poor human
9 rights record deteriorated markedly throughout the
10 year, as the Government intensified efforts to sup-
11 press dissent, particularly organized dissent."

12 (12) The Congress deplores violations by the
13 Government of the People's Republic of China of
14 human rights, religious freedoms, and worker rights
15 that are referred to in the Department of State's
16 1999 Country Reports on Human Rights Practices
17 for the People's Republic of China, including the
18 banning of the Falun Gong spiritual movement, de-
19 nial in many cases, particularly politically sensitive
20 ones, of effective representation by counsel and pub-
21 lic trials, extrajudicial killings and torture, forced
22 abortion and sterilization, restriction of access to
23 Tibet and Xinjiang, perpetuation of "reeducation
24 through labor", denial of the right of workers to or-
25 ganize labor unions or bargain collectively with their

1 employers, and failure to implement a 1992 memo-
2 randum of understanding prohibiting trade in prod-
3 ucts made by prison labor.

4 **SEC. 203. POLICY.**

5 It is the policy of the United States—

6 (1) to develop trade relations that broaden the
7 benefits of trade, and lead to a leveling up, rather
8 than a leveling down, of labor, environmental, com-
9 mercial rule of law, market access, anticorruption,
10 and other standards across national borders;

11 (2) to pursue effective enforcement of trade-re-
12 lated and other international commitments by for-
13 eign governments through enforcement mechanisms
14 of international organizations and through the appli-
15 cation of United States law as appropriate;

16 (3) to encourage foreign governments to con-
17 duct both commercial and noncommercial affairs ac-
18 cording to the rule of law developed through demo-
19 cratic processes;

20 (4) to encourage the Government of the Peo-
21 ple's Republic of China to afford its workers inter-
22 nationally recognized worker rights;

23 (5) to encourage the Government of the Peo-
24 ple's Republic of China to protect the human rights
25 of people within the territory of the People's Repub-

1 lic of China, and to take steps toward protecting
2 such rights, including, but not limited to—

3 (A) ratifying the International Covenant
4 on Civil and Political Rights;

5 (B) protecting the right to liberty of move-
6 ment and freedom to choose a residence within
7 the People's Republic of China and the right to
8 leave from and return to the People's Republic
9 of China; and

10 (C) affording a criminal defendant—

11 (i) the right to be tried in his or her
12 presence, and to defend himself or herself
13 in person or through legal assistance of his
14 or her own choosing;

15 (ii) the right to be informed, if he or
16 she does not have legal assistance, of the
17 right set forth in clause (i);

18 (iii) the right to have legal assistance
19 assigned to him or her in any case in
20 which the interests of justice so require
21 and without payment by him or her in any
22 such case if he or she does not have suffi-
23 cient means to pay for it;

1 (iv) the right to a fair and public
2 hearing by a competent, independent, and
3 impartial tribunal established by the law;

4 (v) the right to be presumed innocent
5 until proved guilty according to law; and

6 (vi) the right to be tried without
7 undue delay; and

8 (6) to highlight in the United Nations Human
9 Rights Commission and in other appropriate fora
10 violations of human rights by foreign governments
11 and to seek the support of other governments in
12 urging improvements in human rights practices.

13 **SEC. 204. DEFINITIONS.**

14 In this division:

15 (1) DISPUTE SETTLEMENT UNDERSTANDING.—

16 The term “Dispute Settlement Understanding”
17 means the Understanding on Rules and Procedures
18 Governing the Settlement of Disputes referred to in
19 section 101(d)(16) of the Uruguay Round Agree-
20 ments Act (19 U.S.C. 3511(16)).

21 (2) GOVERNMENT OF THE PEOPLE’S REPUBLIC
22 OF CHINA.—The term “Government of the People’s
23 Republic of China” means the central Government
24 of the People’s Republic of China and any other gov-
25 ernmental entity, including any provincial, prefec-

1 tural, or local entity and any enterprise that is con-
2 trolled by the central Government or any such gov-
3 ernmental entity or as to which the central Govern-
4 ment or any such governmental entity is entitled to
5 receive a majority of the profits.

6 (3) INTERNATIONALLY RECOGNIZED WORKER
7 RIGHTS.—The term “internationally recognized
8 worker rights” has the meaning given that term in
9 section 507(4) of the Trade Act of 1974 (19 U.S.C.
10 2467(4)) and includes the right to the elimination of
11 the “worst forms of child labor”, as defined in sec-
12 tion 507(6) of the Trade Act of 1974 (19 U.S.C.
13 2467(6)).

14 (4) TRADE REPRESENTATIVE.—The term
15 “Trade Representative” means the United States
16 Trade Representative.

17 (5) WTO; WORLD TRADE ORGANIZATION.—The
18 terms “WTO” and “World Trade Organization”
19 mean the organization established pursuant to the
20 WTO Agreement.

21 (6) WTO AGREEMENT.—The term “WTO
22 Agreement” means the Agreement Establishing the
23 World Trade Organization entered into on April 15,
24 1994.

1 (7) WTO MEMBER.—The term “WTO mem-
2 ber” has the meaning given that term in section
3 2(10) of the Uruguay Round Agreements Act (19
4 U.S.C. 3501(10)).

5 **TITLE III—CONGRESSIONAL-EX-**
6 **ECUTIVE COMMISSION ON**
7 **THE PEOPLE’S REPUBLIC OF**
8 **CHINA**

9 **SEC. 301. ESTABLISHMENT OF CONGRESSIONAL-EXECU-**
10 **TIVE COMMISSION ON THE PEOPLE’S REPUB-**
11 **LIC OF CHINA.**

12 There is established a Congressional-Executive Com-
13 mission on the People’s Republic of China (in this title
14 referred to as the “Commission”).

15 **SEC. 302. FUNCTIONS OF THE COMMISSION.**

16 (a) MONITORING COMPLIANCE WITH HUMAN
17 RIGHTS.—The Commission shall monitor the acts of the
18 People’s Republic of China which reflect compliance with
19 or violation of human rights, in particular, those contained
20 in the International Covenant on Civil and Political Rights
21 and in the Universal Declaration of Human Rights, in-
22 cluding, but not limited to, effectively affording—

23 (1) the right to engage in free expression with-
24 out fear of any prior restraints;

1 (2) the right to peaceful assembly without re-
2 strictions, in accordance with international law;

3 (3) religious freedom, including the right to
4 worship free of involvement of and interference by
5 the government;

6 (4) the right to liberty of movement and free-
7 dom to choose a residence within the People's Re-
8 public of China and the right to leave from and re-
9 turn to the People's Republic of China;

10 (5) the right of a criminal defendant—

11 (A) to be tried in his or her presence, and
12 to defend himself or herself in person or
13 through legal assistance of his or her own
14 choosing;

15 (B) to be informed, if he or she does not
16 have legal assistance, of the right set forth in
17 subparagraph (A);

18 (C) to have legal assistance assigned to
19 him or her in any case in which the interests
20 of justice so require and without payment by
21 him or her in any such case if he or she does
22 not have sufficient means to pay for it;

23 (D) to a fair and public hearing by a com-
24 petent, independent, and impartial tribunal es-
25 tablished by the law;

1 (E) to be presumed innocent until proved
2 guilty according to law; and

3 (F) to be tried without undue delay;

4 (6) the right to be free from torture and other
5 forms of cruel or unusual punishment;

6 (7) protection of internationally recognized
7 worker rights;

8 (8) freedom from incarceration as punishment
9 for political opposition to the government;

10 (9) freedom from incarceration as punishment
11 for exercising or advocating human rights (including
12 those described in this section);

13 (10) freedom from arbitrary arrest, detention,
14 or exile;

15 (11) the right to fair and public hearings by an
16 independent tribunal for the determination of a citi-
17 zen's rights and obligations; and

18 (12) free choice of employment.

19 (b) VICTIMS LISTS.—The Commission shall compile
20 and maintain lists of persons believed to be imprisoned,
21 detained, or placed under house arrest, tortured, or other-
22 wise persecuted by the Government of the People's Repub-
23 lic of China due to their pursuit of the rights described
24 in subsection (a). In compiling such lists, the Commission
25 shall exercise appropriate discretion, including concerns

1 regarding the safety and security of, and benefit to, the
2 persons who may be included on the lists and their fami-
3 lies.

4 (c) MONITORING DEVELOPMENT OF RULE OF
5 LAW.—The Commission shall monitor the development of
6 the rule of law in the People’s Republic of China, includ-
7 ing, but not limited to—

8 (1) progress toward the development of institu-
9 tions of democratic governance;

10 (2) processes by which statutes, regulations,
11 rules, and other legal acts of the Government of the
12 People’s Republic of China are developed and be-
13 come binding within the People’s Republic of China;

14 (3) the extent to which statutes, regulations,
15 rules, administrative and judicial decisions, and
16 other legal acts of the Government of the People’s
17 Republic of China are published and are made acces-
18 sible to the public;

19 (4) the extent to which administrative and judi-
20 cial decisions are supported by statements of reasons
21 that are based upon written statutes, regulations,
22 rules and other legal acts of the Government of the
23 People’s Republic of China;

1 (5) the extent to which individuals are treated
2 equally under the laws of the of the People's Repub-
3 lic of China without regard to citizenship;

4 (6) the extent to which administrative and judi-
5 cial decisions are independent of political pressure or
6 governmental interference and are reviewed by enti-
7 ties of appellate jurisdiction; and

8 (7) the extent to which laws in the People's Re-
9 public of China are written and administered in
10 ways that are consistent with international human
11 rights standards, including the requirements of the
12 International Covenant on Civil and Political Rights.

13 (d) BILATERAL COOPERATION.—The Commission
14 shall monitor and encourage the development of programs
15 and activities of the United States Government and pri-
16 vate organizations with a view toward increasing the inter-
17 change of people and ideas between the United States and
18 the People's Republic of China and expanding cooperation
19 in areas that include, but are not limited to—

20 (1) increasing enforcement of human rights de-
21 scribed in subsection (a); and

22 (2) developing the rule of law in the People's
23 Republic of China.

24 (e) CONTACTS WITH NONGOVERNMENTAL ORGANI-
25 ZATIONS.—In performing the functions described in sub-

1 sections (a) through (d), the Commission shall, as appro-
2 priate, seek out and maintain contacts with nongovern-
3 mental organizations, including receiving reports and up-
4 dates from such organizations and evaluating such re-
5 ports.

6 (f) COOPERATION WITH SPECIAL COORDINATOR.—

7 In performing the functions described in subsections (a)
8 through (d), the Commission shall cooperate with the Spe-
9 cial Coordinator for Tibetan Issues in the Department of
10 State.

11 (g) ANNUAL REPORTS.—The Commission shall issue
12 a report to the President and the Congress not later than
13 12 months after the date of the enactment of this Act,
14 and not later than the end of each 12-month period there-
15 after, setting forth the findings of the Commission during
16 the preceding 12-month period, in carrying out sub-
17 sections (a) through (e). The Commission's report may
18 contain recommendations for legislative or executive ac-
19 tion.

20 (h) SPECIFIC INFORMATION IN ANNUAL REPORTS.—

21 The Commission's report under subsection (g) shall in-
22 clude specific information as to the nature and implemen-
23 tation of laws or policies concerning the rights set forth
24 in paragraphs (1) through (12) of subsection (a), and as

1 to restrictions applied to or discrimination against persons
2 exercising any of the rights set forth in such paragraphs.

3 (i) CONGRESSIONAL HEARINGS ON ANNUAL RE-
4 PORTS.—(1) The Committee on International Relations of
5 the House of Representatives shall, not later than 30 days
6 after the receipt by the Congress of the report referred
7 to in subsection (g), hold hearings on the contents of the
8 report, including any recommendations contained therein,
9 for the purpose of receiving testimony from Members of
10 Congress, and such appropriate representatives of Federal
11 departments and agencies, and interested persons and
12 groups, as the committee deems advisable, with a view to
13 reporting to the House of Representatives any appropriate
14 legislation in furtherance of such recommendations. If any
15 such legislation is considered by the Committee on Inter-
16 national Relations within 45 days after receipt by the Con-
17 gress of the report referred to in subsection (g), it shall
18 be reported by the committee not later than 60 days after
19 receipt by the Congress of such report.

20 (2) The provisions of paragraph (1) are enacted by
21 the Congress—

22 (A) as an exercise of the rulemaking power of
23 the House of Representatives, and as such are
24 deemed a part of the rules of the House, and they

1 supersede other rules only to the extent that they
2 are inconsistent therewith; and

3 (B) with full recognition of the constitutional
4 right of the House to change the rules (so far as re-
5 lating to the procedure of the House) at any time,
6 in the same manner and to the same extent as in
7 the case of any other rule of the House.

8 (j) SUPPLEMENTAL REPORTS.—The Commission
9 may submit to the President and the Congress reports
10 that supplement the reports described in subsection (g),
11 as appropriate, in carrying out subsections (a) through
12 (c).

13 **SEC. 303. MEMBERSHIP OF THE COMMISSION.**

14 (a) SELECTION AND APPOINTMENT OF MEMBERS.—
15 The Commission shall be composed of 23 members as fol-
16 lows:

17 (1) Nine Members of the House of Representa-
18 tives appointed by the Speaker of the House of Rep-
19 resentatives. Five members shall be selected from
20 the majority party and four members shall be se-
21 lected, after consultation with the minority leader of
22 the House, from the minority party.

23 (2) Nine Members of the Senate appointed by
24 the President of the Senate. Five members shall be
25 selected, after consultation with the majority leader

1 of the Senate, from the majority party, and four
2 members shall be selected, after consultation with
3 the minority leader of the Senate, from the minority
4 party.

5 (3) One representative of the Department of
6 State, appointed by the President of the United
7 States from among officers and employees of that
8 Department.

9 (4) One representative of the Department of
10 Commerce, appointed by the President of the United
11 States from among officers and employees of that
12 Department.

13 (5) One representative of the Department of
14 Labor, appointed by the President of the United
15 States from among officers and employees of that
16 Department.

17 (6) Two at-large representatives, appointed by
18 the President of the United States, from among the
19 officers and employees of the executive branch.

20 (b) CHAIRMAN AND COCHAIRMAN.—

21 (1) DESIGNATION OF CHAIRMAN.—At the be-
22 ginning of each odd-numbered Congress, the Presi-
23 dent of the Senate, on the recommendation of the
24 majority leader, shall designate one of the members
25 of the Commission from the Senate as Chairman of

1 the Commission. At the beginning of each even-num-
2 bered Congress, the Speaker of the House of Rep-
3 resentatives shall designate one of the members of
4 the Commission from the House as Chairman of the
5 Commission.

6 (2) DESIGNATION OF COCHAIRMAN.—At the be-
7 ginning of each odd-numbered Congress, the Speak-
8 er of the House of Representatives shall designate
9 one of the members of the Commission from the
10 House as Cochairman of the Commission. At the be-
11 ginning of each even-numbered Congress, the Presi-
12 dent of the Senate, on the recommendation of the
13 majority leader, shall designate one of the members
14 of the Commission from the Senate as Cochairman
15 of the Commission.

16 **SEC. 304. VOTES OF THE COMMISSION.**

17 Decisions of the Commission, including adoption of
18 reports and recommendations to the executive branch or
19 to the Congress, shall be made by a majority vote of the
20 members of the Commission present and voting. Two-
21 thirds of the Members of the Commission shall constitute
22 a quorum for purposes of conducting business.

23 **SEC. 305. EXPENDITURE OF APPROPRIATIONS.**

24 For each fiscal year for which an appropriation is
25 made to the Commission, the Commission shall issue a

1 report to the Congress on its expenditures under that ap-
2 propriation.

3 **SEC. 306. TESTIMONY OF WITNESSES, PRODUCTION OF EVI-**
4 **DENCE; ISSUANCE OF SUBPOENAS; ADMINIS-**
5 **TRATION OF OATHS.**

6 In carrying out this title, the Commission may re-
7 quire, by subpoena or otherwise, the attendance and testi-
8 mony of such witnesses and the production of such books,
9 records, correspondence, memoranda, papers, documents,
10 and electronically recorded data as it considers necessary.
11 Subpoenas may be issued only pursuant to a two-thirds
12 vote of members of the Commission present and voting.
13 Subpoenas may be issued over the signature of the Chair-
14 man of the Commission or any member designated by the
15 Chairman, and may be served by any person designated
16 by the Chairman or such member. The Chairman of the
17 Commission, or any member designated by the Chairman,
18 may administer oaths to any witness.

19 **SEC. 307. APPROPRIATIONS FOR THE COMMISSION.**

20 (a) AUTHORIZATION; DISBURSEMENTS.—

21 (1) AUTHORIZATION.—There are authorized to
22 be appropriated to the Commission for fiscal year
23 2001, and each fiscal year thereafter, such sums as
24 may be necessary to enable it to carry out its func-

1 tions. Appropriations to the Commission are author-
2 ized to remain available until expended.

3 (2) DISBURSEMENTS.—Appropriations to the
4 Commission shall be disbursed on vouchers
5 approved—

6 (A) jointly by the Chairman and the Co-
7 chairman; or

8 (B) by a majority of the members of the
9 personnel and administration committee estab-
10 lished pursuant to section 308.

11 (b) FOREIGN TRAVEL FOR OFFICIAL PURPOSES.—
12 Foreign travel for official purposes by members and staff
13 of the Commission may be authorized by either the Chair-
14 man or the Cochairman.

15 **SEC. 308. STAFF OF THE COMMISSION.**

16 (a) PERSONNEL AND ADMINISTRATION COM-
17 MITTEE.—The Commission shall have a personnel and ad-
18 ministration committee composed of the Chairman, the
19 Cochairman, the senior member of the Commission from
20 the minority party of the House of Representatives, and
21 the senior member of the Commission from the minority
22 party of the Senate.

23 (b) COMMITTEE FUNCTIONS.—All decisions per-
24 taining to the hiring, firing, and fixing of pay of personnel

1 of the Commission shall be by a majority vote of the per-
2 sonnel and administration committee, except that—

3 (1) the Chairman shall be entitled to appoint
4 and fix the pay of the staff director, and the Co-
5 chairman shall be entitled to appoint and fix the pay
6 of the Cochairman's senior staff member; and

7 (2) the Chairman and Cochairman shall each
8 have the authority to appoint, with the approval of
9 the personnel and administration committee, at least
10 4 professional staff members who shall be respon-
11 sible to the Chairman or the Cochairman (as the
12 case may be) who appointed them.

13 Subject to subsection (d), the personnel and administra-
14 tion committee may appoint and fix the pay of such other
15 personnel as it considers desirable.

16 (c) STAFF APPOINTMENTS.—All staff appointments
17 shall be made without regard to the provisions of title 5,
18 United States Code, governing appointments in the com-
19 petitive service, and without regard to the provisions of
20 chapter 51 and subchapter III of chapter 53 of such title
21 relating to classification and general schedule pay rates.

22 (d) QUALIFICATIONS OF PROFESSIONAL STAFF.—
23 The personnel and administration committee shall ensure
24 that the professional staff of the Commission consists of
25 persons with expertise in areas including human rights,

1 internationally recognized worker rights, international eco-
2 nomics, law (including international law), rule of law and
3 other foreign assistance programming, Chinese politics,
4 economy and culture, and the Chinese language.

5 (e) COMMISSION EMPLOYEES AS CONGRESSIONAL
6 EMPLOYEES.—

7 (1) IN GENERAL.—For purposes of pay and
8 other employment benefits, rights, and privileges,
9 and for all other purposes, any employee of the
10 Commission shall be considered to be a congressional
11 employee as defined in section 2107 of title 5,
12 United States Code.

13 (2) COMPETITIVE STATUS.—For purposes of
14 section 3304(c)(1) of title 5, United States Code,
15 employees of the Commission shall be considered as
16 if they are in positions in which they are paid by the
17 Secretary of the Senate or the Clerk of the House
18 of Representatives.

19 **SEC. 309. PRINTING AND BINDING COSTS.**

20 For purposes of costs relating to printing and bind-
21 ing, including the costs of personnel detailed from the
22 Government Printing Office, the Commission shall be
23 deemed to be a committee of the Congress.

1 **TITLE IV—MONITORING AND EN-**
2 **FORCEMENT OF THE PEO-**
3 **PLE’S REPUBLIC OF CHINA’S**
4 **WTO COMMITMENTS**

5 **Subtitle A—Review of Membership**
6 **of the People’s Republic of**
7 **China in the WTO**

8 **SEC. 401. REVIEW WITHIN THE WTO.**

9 It shall be the objective of the United States to obtain
10 as part of the Protocol of Accession of the People’s Repub-
11 lic of China to the WTO, an annual review within the
12 WTO of the compliance by the People’s Republic of China
13 with its terms of accession to the WTO.

14 **Subtitle B—Authorization To Pro-**
15 **mote Compliance With Trade**
16 **Agreements**

17 **SEC. 411. FINDINGS.**

18 The Congress finds as follows:

19 (1) The opening of world markets through the
20 elimination of tariff and nontariff barriers has con-
21 tributed to a 56-percent increase in exports of
22 United States goods and services since 1992.

23 (2) Such export expansion, along with an in-
24 crease in trade generally, has helped fuel the longest
25 economic expansion in United States history.

1 (3) The United States Government must con-
2 tinue to be vigilant in monitoring and enforcing the
3 compliance by our trading partners with trade agree-
4 ments in order for United States businesses, work-
5 ers, and farmers to continue to benefit from the op-
6 portunities created by market-opening trade agree-
7 ments.

8 (4) The People's Republic of China, as part of
9 its accession to the World Trade Organization, has
10 committed to eliminating significant trade barriers
11 in the agricultural, services, and manufacturing sec-
12 tors that, if realized, would provide considerable op-
13 portunities for United States farmers, businesses,
14 and workers.

15 (5) For these opportunities to be fully realized,
16 the United States Government must effectively mon-
17 itor and enforce its rights under the agreements on
18 the accession of the People's Republic of China to
19 the WTO.

20 **SEC. 412. PURPOSE.**

21 The purpose of this subtitle is to authorize additional
22 resources for the agencies and departments engaged in
23 monitoring and enforcement of United States trade agree-
24 ments and trade laws with respect to the People's Republic
25 of China.

1 **SEC. 413. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) DEPARTMENT OF COMMERCE.—There is author-
3 ized to be appropriated to the Department of Commerce,
4 in addition to amounts otherwise available for such pur-
5 poses, such sums as may be necessary for fiscal year 2001,
6 and each fiscal year thereafter, for additional staff for—

7 (1) monitoring compliance by the People's Re-
8 public of China with its commitments under the
9 WTO, assisting United States negotiators with ongo-
10 ing negotiations in the WTO, and defending United
11 States antidumping and countervailing duty meas-
12 ures with respect to products of the People's Repub-
13 lic of China;

14 (2) enforcement of United States trade laws
15 with respect to products of the People's Republic of
16 China; and

17 (3) a Trade Law Technical Assistance Center
18 to assist small- and medium-sized businesses, work-
19 ers, and unions in evaluating potential remedies
20 available under the trade laws of the United States
21 with respect to trade involving the People's Republic
22 of China.

23 (b) OVERSEAS COMPLIANCE PROGRAM.—

24 (1) AUTHORIZATION OF APPROPRIATION.—
25 There are authorized to be appropriated to the De-
26 partment of Commerce and the Department of

1 State, in addition to amounts otherwise available,
2 such sums as may be necessary for fiscal year 2001,
3 and each fiscal year thereafter, to provide staff for
4 monitoring in the People's Republic of China that
5 country's compliance with its international trade ob-
6 ligations and to support the enforcement of the
7 trade laws of the United States, as part of an Over-
8 seas Compliance Program which monitors abroad
9 compliance with international trade obligations and
10 supports the enforcement of United States trade
11 laws.

12 (2) REPORTING.—The annual report on compli-
13 ance by the People's Republic of China submitted to
14 the Congress under section 421 of this Act shall in-
15 clude the findings of the Overseas Compliance Pro-
16 gram with respect to the People's Republic of China.

17 (c) USTR.—There are authorized to be appropriated
18 to the Office of the United States Trade Representative,
19 in addition to amounts otherwise available for such pur-
20 poses, such sums as may be necessary for fiscal year 2001,
21 and each fiscal year thereafter, for additional staff in—

22 (1) the Office of the General Counsel, the Moni-
23 toring and Enforcement Unit, and the Office of the
24 Deputy United States Trade Representative in Ge-
25 neva, Switzerland, to investigate, prosecute, and de-

1 fend cases before the WTO, and to administer
2 United States trade laws, including title III of the
3 Trade Act of 1974 (19 U.S.C. 2411, et seq.) and
4 other trade laws relating to intellectual property,
5 government procurement, and telecommunications,
6 with respect to the People's Republic of China;

7 (2) the Office of Economic Affairs, to analyze
8 the impact on the economy of the United States, in-
9 cluding United States exports, of acts of the Govern-
10 ment of the People's Republic of China affecting ac-
11 cess to markets in the People's Republic of China
12 and to support the Office of the General Counsel in
13 presenting cases to the WTO involving the People's
14 Republic of China;

15 (3) the geographic office for the People's Re-
16 public of China; and

17 (4) offices relating to the WTO and to different
18 sectors of the economy, including agriculture, indus-
19 try, services, and intellectual property rights protec-
20 tion, to monitor and enforce the trade agreement ob-
21 ligations of the People's Republic of China in those
22 sectors.

23 (d) DEPARTMENT OF AGRICULTURE.—There are au-
24 thorized to be appropriated to the Department of Agri-
25 culture, in addition to amounts otherwise available for

1 such purposes, such sums as may be necessary for fiscal
2 year 2001, and each fiscal year thereafter, for additional
3 staff to increase legal and technical expertise in areas cov-
4 ered by trade agreements and United States trade law,
5 including food safety and biotechnology, for purposes of
6 monitoring compliance by the People's Republic of China
7 with its trade agreement obligations.

8 **Subtitle C—Report on Compliance**
9 **by the People's Republic of**
10 **China With WTO Obligations**

11 **SEC. 421. REPORT ON COMPLIANCE.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 entry into force of the Protocol of Accession of the Peo-
14 ple's Republic of China to the WTO, and annually there-
15 after, the Trade Representative shall submit a report to
16 Congress on compliance by the People's Republic of China
17 with commitments made in connection with its accession
18 to the World Trade Organization, including both multilat-
19 eral commitments and any bilateral commitments made to
20 the United States.

21 (b) PUBLIC PARTICIPATION.—In preparing the re-
22 port described in subsection (a), the Trade Representative
23 shall seek public participation by publishing a notice in
24 the Federal Register and holding a public hearing.

1 **TITLE V—TRADE AND RULE OF**
2 **LAW ISSUES IN THE PEOPLE’S**
3 **REPUBLIC OF CHINA**

4 **Subtitle A—Task Force on Prohibi-**
5 **tion of Importation of Products**
6 **of Forced or Prison Labor From**
7 **the People’s Republic of China**

8 **SEC. 501. ESTABLISHMENT OF TASK FORCE.**

9 There is hereby established a task force on prohibi-
10 tion of importation of products of forced or prison labor
11 from the People’s Republic of China (hereafter in this sub-
12 title referred to as the “Task Force”).

13 **SEC. 502. FUNCTIONS OF TASK FORCE.**

14 The Task Force shall monitor and promote effective
15 enforcement of and compliance with section 307 of the
16 Tariff Act of 1930 (19 U.S.C. 1307) by performing the
17 following functions:

18 (1) Coordinate closely with the United States
19 Customs Service to promote maximum effectiveness
20 in the enforcement by the Customs Service of section
21 307 of the Tariff Act of 1930 with respect to the
22 products of the People’s Republic of China. In order
23 to assure such coordination, the Customs Service
24 shall keep the Task Force informed, on a regular
25 basis, of the progress of its investigations of allega-

1 tions that goods are being entered into the United
2 States, or that such entry is being attempted, in vio-
3 lation of the prohibition in section 307 of the Tariff
4 Act of 1930 on entry into the United States of
5 goods mined, produced, or manufactured wholly or
6 in part in the People's Republic of China by convict
7 labor, forced labor, or indentured labor under penal
8 sanctions. Such investigations may include visits to
9 foreign sites where goods allegedly are being mined,
10 produced, or manufactured in a manner that would
11 lead to prohibition of their importation into the
12 United States under section 307 of the Tariff Act of
13 1930.

14 (2) Make recommendations to the Customs
15 Service on seeking new agreements with the People's
16 Republic of China to allow Customs Service officials
17 to visit sites where goods may be mined, produced,
18 or manufactured by convict labor, forced labor, or
19 indentured labor under penal sanctions.

20 (3) Work with the Customs Service to assist the
21 People's Republic of China and other foreign govern-
22 ments in monitoring the sale of goods mined, pro-
23 duced, or manufactured by convict labor, forced
24 labor, or indentured labor under penal sanctions to

1 ensure that such goods are not exported to the
2 United States.

3 (4) Coordinate closely with the Customs Service
4 to promote maximum effectiveness in the enforce-
5 ment by the Customs Service of section 307 of the
6 Tariff Act of 1930 with respect to the products of
7 the People's Republic of China. In order to assure
8 such coordination, the Customs Service shall keep
9 the Task Force informed, on a regular basis, of the
10 progress of its monitoring of ports of the United
11 States to ensure that goods mined, produced, or
12 manufactured wholly or in part in the People's Re-
13 public of China by convict labor, forced labor, or in-
14 dentured labor under penal sanctions are not im-
15 ported into the United States.

16 (5) Advise the Customs Service in performing
17 such other functions, consistent with existing au-
18 thority, to ensure the effective enforcement of sec-
19 tion 307 of the Tariff Act of 1930.

20 (6) Provide to the Customs Service all informa-
21 tion obtained by the departments represented on the
22 Task Force relating to the use of convict labor,
23 forced labor, or/and indentured labor under penal
24 sanctions in the mining, production, or manufacture

1 of goods which may be imported into the United
2 States.

3 **SEC. 503. COMPOSITION OF TASK FORCE.**

4 The Secretary of the Treasury, the Secretary of Com-
5 merce, the Secretary of Labor, the Secretary of State, the
6 Commissioner of Customs, and the heads of other execu-
7 tive branch agencies, as appropriate, acting through their
8 respective designees at or above the level of Deputy Assist-
9 ant Secretary, or in the case of the Customs Service, at
10 or above the level of Assistant Commissioner, shall com-
11 pose the Task Force. The designee of the Secretary of the
12 Treasury shall chair the Task Force.

13 **SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated for fiscal
15 year 2001, and each fiscal year thereafter, such sums as
16 may be necessary for the Task Force to carry out the
17 functions described in section 502.

18 **SEC. 505. REPORTS TO CONGRESS.**

19 (a) FREQUENCY OF REPORTS.—Not later than the
20 date that is one year after the date of the enactment of
21 this Act, and not later than the end of each 1-year period
22 thereafter, the Task Force shall submit to the Congress
23 a report on the work of the Task Force during the pre-
24 ceding 1-year period.

1 (b) CONTENTS OF REPORTS.—Each report under
2 subsection (a) shall set forth, at a minimum—

3 (1) the number of allegations of violations of
4 section 307 of the Tariff Act of 1930 with respect
5 to products of the Peoples' Republic of China that
6 were investigated during the preceding 1-year pe-
7 riod;

8 (2) the number of actual violations of section
9 307 of the Tariff Act of 1930 with respect to the
10 products of the People's Republic of China that were
11 discovered during the preceding 1-year period;

12 (3) in the case of each attempted entry of prod-
13 ucts of the People's Republic of China in violation
14 of such section 307 discovered during the preceding
15 1-year period—

16 (A) the identity of the exporter of the
17 goods;

18 (B) the identity of the person or persons
19 who attempted to sell the goods for export; and

20 (C) the identity of all parties involved in
21 transshipment of the goods; and

22 (4) such other information as the Task Force
23 considers useful in monitoring and enforcing compli-
24 ance with section 307 of the Tariff Act of 1930.

1 **Subtitle B—Assistance To Develop**
2 **Commercial and Labor Rule of Law**

3 **SEC. 511. ESTABLISHMENT OF TECHNICAL ASSISTANCE**
4 **AND RULE OF LAW PROGRAMS.**

5 (a) **COMMERCE RULE OF LAW PROGRAM.**—The Sec-
6 retary of Commerce, in consultation with the Secretary of
7 State, is authorized to establish a program to conduct rule
8 of law training and technical assistance related to com-
9 mercial activities in the People’s Republic of China.

10 (b) **LABOR RULE OF LAW PROGRAM.**—

11 (1) **IN GENERAL.**—The Secretary of Labor, in
12 consultation with the Secretary of State, is author-
13 ized to establish a program to conduct rule of law
14 training and technical assistance related to the pro-
15 tection of internationally recognized worker rights in
16 the People’s Republic of China.

17 (2) **USE OF AMOUNTS.**—In carrying out para-
18 graph (1), the Secretary of Labor shall focus on ac-
19 tivities including, but not limited to—

20 (A) developing, laws, regulations, and
21 other measures to implement internationally
22 recognized worker rights;

23 (B) establishing national mechanisms for
24 the enforcement of national labor laws and reg-
25 ulations;

1 (C) training government officials concerned
2 with implementation and enforcement of na-
3 tional labor laws and regulations; and

4 (D) developing an educational infrastruc-
5 ture to educate workers about their legal rights
6 and protections under national labor laws and
7 regulations.

8 (3) LIMITATION.—The Secretary of Labor may
9 not provide assistance under the program estab-
10 lished under this subsection to the All-China Federa-
11 tion of Trade Unions.

12 (c) LEGAL SYSTEM AND CIVIL SOCIETY RULE OF
13 LAW PROGRAM.—The Secretary of State is authorized to
14 establish a program to conduct rule of law training and
15 technical assistance related to development of the legal
16 system and civil society generally in the People's Republic
17 of China.

18 (d) CONDUCT OF PROGRAMS.—The programs author-
19 ized by this section may be used to conduct activities such
20 as seminars and workshops, drafting of commercial and
21 labor codes, legal training, publications, financing the op-
22 erating costs for nongovernmental organizations working
23 in this area, and funding the travel of individuals to the
24 United States and to the People's Republic of China to
25 provide and receive training.

1 **SEC. 512. ADMINISTRATIVE AUTHORITIES.**

2 In carrying out the programs authorized by section
3 511, the Secretary of Commerce and the Secretary of
4 Labor (in consultation with the Secretary of State) may
5 utilize any of the authorities contained in the Foreign As-
6 sistance Act of 1961 and the Foreign Service Act of 1980.

7 **SEC. 513. PROHIBITION RELATING TO HUMAN RIGHTS**
8 **ABUSES.**

9 Amounts made available to carry out this subtitle
10 may not be provided to a component of a ministry or other
11 administrative unit of the national, provincial, or other
12 local governments of the People's Republic of China, to
13 a nongovernmental organization, or to an official of such
14 governments or organizations, if the President has cred-
15 ible evidence that such component, administrative unit, or
16 ganization or official has been materially responsible for
17 the commission of human rights violations.

18 **SEC. 514. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) **COMMERCIAL LAW PROGRAM.**—There are author-
20 ized to be appropriated to the Secretary of Commerce to
21 carry out the program described in section 511(a) such
22 sums as may be necessary for fiscal year 2001, and each
23 fiscal year thereafter.

24 (b) **LABOR LAW PROGRAM.**—There are authorized to
25 be appropriated to the Secretary of Labor to carry out
26 the program described in section 511(b) such sums as may

1 be necessary for fiscal year 2001, and each fiscal year
2 thereafter.

3 (c) LEGAL SYSTEM AND CIVIL SOCIETY RULE OF
4 LAW PROGRAM.—There are authorized to be appropriated
5 to the Secretary of State to carry out the program de-
6 scribed in section 511(c) such sums as may be necessary
7 for fiscal year 2001, and each fiscal year thereafter.

8 (d) CONSTRUCTION WITH OTHER LAWS.—Except as
9 provided in this division, funds may be made available to
10 carry out the purposes of this subtitle notwithstanding any
11 other provision of law.

12 **TITLE VI—ACCESSION OF**
13 **TAIWAN TO THE WTO**

14 **SEC. 601. ACCESSION OF TAIWAN TO THE WTO.**

15 It is the sense of Congress that—

16 (1) immediately upon approval by the General
17 Council of the WTO of the terms and conditions of
18 the accession of the People's Republic of China to
19 the WTO, the United States representative to the
20 WTO should request that the General Council of the
21 WTO consider Taiwan's accession to the WTO as
22 the next order of business of the Council during the
23 same session; and

24 (2) the United States should be prepared to ag-
25 gressively counter any effort by any WTO member,

1 upon the approval of the General Council of the
2 WTO of the terms and conditions of the accession
3 of the People's Republic of China to the WTO, to
4 block the accession of Taiwan to the WTO.

5 **TITLE VII—RELATED ISSUES**

6 **SEC. 701. AUTHORIZATIONS OF APPROPRIATIONS FOR**
7 **BROADCASTING CAPITAL IMPROVEMENTS**
8 **AND INTERNATIONAL BROADCASTING OPER-**
9 **ATIONS.**

10 (a) BROADCASTING CAPITAL IMPROVEMENTS.—In
11 addition to such sums as may otherwise be authorized to
12 be appropriated, there are authorized to be appropriated
13 for “Department of State and Related Agency, Related
14 Agency, Broadcasting Board of Governors, Broadcasting
15 Capital Improvements” \$65,000,000 for the fiscal year
16 2001.

17 (b) INTERNATIONAL BROADCASTING OPERATIONS.—

18 (1) AUTHORIZATION OF APPROPRIATIONS.—In
19 addition to such sums as are otherwise authorized to
20 be appropriated, there are authorized to be appro-
21 priated \$34,000,000 for each of the fiscal years
22 2001 and 2002 for “Department of State and Re-
23 lated Agency, Related Agency, Broadcasting Board
24 of Governors, International Broadcasting Oper-
25 ations” for the purposes under paragraph (2).

1 (2) USES OF FUNDS.—In addition to other au-
2 thorized purposes, funds appropriated pursuant to
3 paragraph (1) shall be used for the following:

4 (A) To increase personnel for the program
5 development office to enhance marketing pro-
6 gramming in the People's Republic of China
7 and neighboring countries.

8 (B) To enable Radio Free Asia's expansion
9 of news research, production, call-in show capa-
10 bility, and web site/Internet enhancement for
11 the People's Republic of China and neighboring
12 countries.

13 (C) VOA enhancements, including the
14 opening of new news bureaus in Taipei and
15 Shanghai, enhancement of TV Mandarin, and
16 an increase of stringer presence abroad.

Amend the title so as to read: "A bill to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China."